

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

JANICE HARGROVE WARREN

PLAINTIFF

v.

No. 4:19-cv-00655-BSM

MIKE KEMP, et al.

DEFENDANTS

**DEFENDANTS' RESPONSE TO PLAINTIFF'S AMENDED AND SUBSTITUTED
MOTION FOR EQUITABLE AND INJUNCTIVE RELIEF**

Defendants, by their attorneys, Bequette, Billingsley & Kees, P.A., for their Response to Plaintiff's Amended and Substituted Motion for Equitable and Injunctive Relief ("Motion") (ECF Doc. 179), state:

1. Defendants admit sentences one and two of paragraph 1 and that Plaintiff filed her complaint on September 23, 2019, alleging she was the victim of employment discrimination in violation of Title VII of the Civil Rights Act and 42 U.S.C. § 1981, when she was denied the opportunity to interview for the superintendent's position and was ultimately passed over for the position in April 2018, when the position was awarded to a Caucasian male. Defendants deny the remaining allegations of paragraph 1. Plaintiff never alleged in any of her pleadings, nor did she present proof at trial, that the protected activity for which she engaged included the opposition and reporting of race discrimination to prevent a material adverse effect on the benefits, privileges, and conditions of employment of the majority black administrators and black teachers assigned to Mills High School. This is literally the first time this allegation has ever been made, and there is not even proof in the record as to the race of administrators and teachers assigned to Mills High School at the time periods at issue. This is obviously a post-trial attempt by Plaintiff to present a different protected activity for purposes of appeal. In Plaintiff's complaint, her pleadings, and at trial,

Plaintiff alleged that her protected activity was “notifying the PCSDD attorney of the inequities in the District’s construction and deviation from federal court orders and the District’s desegregation plan, Plan 2000.” *See* Amended Complaint, ECF Doc. 65 at ¶¶ 56 and 58. Plaintiff further alleged she “opposed the District’s racial discrimination against black students residing in the Mills community and sought to facilitate a resolution of the districts unlawful act by being proactive.”

Id. Nowhere and at no time has Plaintiff ever alleged, nonetheless proven, that her actions were for the benefit of black teachers and administrators.

2. Defendants admit the allegations contained in paragraph 2 of Plaintiff’s Motion.
3. Defendants admit the allegations contained in paragraph 3 of Plaintiff’s Motion.
4. Defendants admit the allegations contained in paragraph 4 of Plaintiff’s Motion.

Furthermore, the jury ruled against Plaintiff on her breach of contract claims.

5. Defendants deny the allegations contained in paragraph 5 of Plaintiff’s Motion.

WHEREFORE, Defendants pray that Plaintiff’s Amended and Substituted Motion for Equitable and Injunctive Relief be denied; for Defendants’ attorneys’ fees and costs incurred herein; and for all other appropriate relief to which Defendants may be entitled.

Respectfully submitted,

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